

Docket No. 1324.034**REMARKS**

Without acquiescing to the propriety of the rejections in the Office Action dated April 30, 2003, claim 1 has been amended, and claims 8 and 9 have been cancelled. Entry of these amendments, reconsideration of the application, and allowance of all claims pending herein is respectfully requested in view of the remarks below. Claims 1-7 and 16 are now pending and under consideration.

Oath/Declaration Objection:

The Declaration stands objected to since the Office Action alleges that the mailing address of the inventor should include the zip code designation. A review of the Declaration submitted with the Response to Notice to File Missing Parts, filed on March 18, 2002, reveals that the address submitted is correct, and includes a relevant postal code. Since the relevant residential address is in Great Britain, the address format differs from a standard U.S. residential mailing address. A copy of the Declaration, as filed, is attached herewith. Thus, it is believed that this objection is overcome.

§ 102 Rejections:

Claims 1-4 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Bosch (U.S. Patent No. 3,768,638). Specifically, the Office Action alleges that Bosch discloses a feeding bottle having a bottle body 1 with an air inlet 5, and a stopper assembly 6 being mounted to the bottle body and including a stopper manually movable to close and open the air inlet. Also, the Office Action alleges that the bottle in this reference is held in one hand in use and the stopper is operable by one finger of the hand.

Amended claim 1 of the present application recites a feeding bottle having a bottle body and a stopper assembly. The bottle body includes an open end for mounting a teat assembly and an air inlet. The stopper assembly is mounted to the bottle body and includes a stopper manually movable between a closed position in which the air inlet is closed by the stopper and an open position in which the air inlet is open. The stopper assembly further includes a stopper retainer movable between a first position in which the stopper retainer prevents movement of the stopper from the closed position to the open position and a second position in which the stopper retainer permits movement of the stopper between the open position and the closed position.

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Bosch discloses a feeding bottle having a bottle body 1 and an air inlet 5. A plunger (alleged to be a stopper assembly in the Office Action) is manually movable to close and open air inlet 5. The stopper is biased to the closed position by a spring 9. However, there is no disclosure of the stopper assembly having a retainer movable between a first position and a second position wherein the first position prevents movement of the stopper from a closed position to an open position and the second position permits movement of the stopper between the open position and the closed position. Instead, air inlet 5 may be opened by a user manually pushing on plunger 6, but there is no disclosure of a retainer which may prevent movement of the plunger from a closed position to an open position when such a retainer is in a first position, nor such a retainer being movable to a second position wherein the retainer may permit movement of the stopper between an open and a closed position. Thus, because the features of claim 1 are not identically disclosed by Bosch, it is respectfully submitted that claim 1 cannot be anticipated thereby. The dependent claims are believed not to be anticipated for the same reasons and for their own additional features.

Claims 1-9 and 16 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Lowe et al., (U.S. Patent No. 1,976,450). The Office Action alleges that Lowe et al. includes a feeding bottle having a bottle body with an air inlet and a stopper assembly mounted to the bottle body. Also a stopper is alleged to be manually movable to close and open the air inlet. A plastic band 34 is alleged to be a stopper retainer which is movable between a first position in which an aperture 37 is registered over the air inlet and the stopper retainer retains the stopper in the open position and a second position where the handle 41 is positioned over the air inlet and in which the stopper retainer permits movement of the stopper between the open and closed positions. Further, it is alleged that plastic band 34 may retain the stopper in a closed position when the plastic band is positioned to close the air inlet and the air inlet is not aligned both with the handle 41 and aperture 37.

Lowe et al., discloses an elastic band having an aperture therethrough to allow air to pass through the aperture and through an opening in the baby bottle when the aperture is aligned with the opening in the bottle. The elastic band may be rotated to cover the aperture thus preventing passage of air into the bottle. However, there is no disclosure of a stopper retainer which may prevent movement of a stopper between a closed position and an open position. Instead, elastic band 34 may be freely moved without a retainer preventing movement thereof from a closed position to an open position. Thus, because Lowe et al., does not identically disclose the features of claim 1 of the present application, claim 1 is not anticipated by

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this reference. Further, the dependent claims are believed not to be anticipated for these same reasons and for their own additional features.

Claims 1, 3 and 9 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Allen (U.S. Patent No. 2,066,445). Allen is alleged to disclose a feeding bottle having a bottle body 1 with an air inlet 3 and a stopper assembly 4 mounted to the bottle body. Stopper 10 is alleged to be manually movable to close and open the air inlet. Further, the Office Action alleges that Allen includes a retainer 8 movable between a first position in which the stopper retainer retains the stopper 10 in the open position by unscrewing retainer 8 and a second position in which the stopper retainer retains the stopper 10 in a closed position by screwing retainer 8 in.

Allen discloses a nursing bottle having a vent 9 providing for air flow between the exterior and the interior of the bottle. A cap 8 may be partially unscrewed or loosened to allow air to pass to an interior of the bottle and cap 8 may be tightened to close vent 9 leading to the interior of the bottle. However, there is no disclosure of a stopper retainer which prevents movement of the stopper from a closed position to an open position in a first position, nor a second position in which the stopper retainer permits movement of the stopper between the open and closed positions. Instead, cap 8 may be tightened to prevent air passage into an interior of the bottle or loosened to allow such air passage, but there is no retainer which prevents movement of cap 8. Therefore, because the features of claim 1 of the present application are not identically disclosed by Allen, claim 1 cannot be anticipated by this reference. Claims 3 and 9 are believed not to be anticipated for these same reasons and for their own additional features.

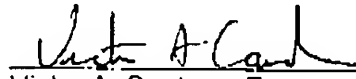
Therefore, because the features of claim 1 of the present application are not identically disclosed by any of the cited references, it is believed not to be anticipated, and accordingly is believed to be allowable. Further, the dependent claims are believed to be allowable for the same reasons and for their own additional features.

Claims 8 and 9 have been cancelled since their subject matter has been incorporated into amended claim 1.

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If a telephone conference would be of assistance in advancing prosecution of the subject application, the Examiner is invited to telephone the undersigned attorney at the telephone number provided.

Respectfully submitted,



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Attachment: Declaration and Power of Attorney